

St Michael's House
Special National School

Ballymun Road
Dublin 9

Data Protection Policy

INTRODUCTORY STATEMENT

The school's Data Protection Policy applies to the personal data held by the school which is protected by the Data Protection Acts 1988 and 2003.

The policy applies to all school staff, the board of management, parents/guardians, students and others (including prospective or potential students and their parents/guardians and applicants for staff positions within the school) insofar as the measures under the policy relate to them. Data will be stored securely, so that confidential information is protected in compliance with relevant legislation. This policy sets out the manner in which personal data and sensitive personal data will be protected by the school.

DATA PROTECTION PRINCIPLES

The school is a *data controller of personal data* relating to its past, present and future staff, students, parents/guardians and other members of the school community. As such, the school is obliged to comply with the principles of data protection set out in the Data Protection Acts 1988 and 2003 which can be summarised as follows:

- **Obtain and process *Personal Data* fairly:** Information on students is gathered with the help of parents/guardians and staff. Information is also transferred from their previous schools. In relation to information the school holds on other individuals (members of staff, individuals applying for positions within the School, parents/guardians of students etc.), the information is generally furnished by the individuals themselves with full and informed consent and compiled during the course of their employment or contact with the School. All such data is treated in accordance with the Data Protection Acts and the terms of this Data Protection Policy. The information will be obtained and processed fairly.
- **Keep it only for one or more specified and explicit lawful purposes:** The School will inform individuals of the reasons they collect their data and will inform individuals of the uses to which their data will be put. All information is kept with the best interest of the individual in mind at all times.
- **Process it only in ways compatible with the purposes for which it was given initially:** Data relating to individuals will only be processed in a manner consistent with the purposes for which it was gathered. Information will only be disclosed on a need to know basis, and access to it will be strictly controlled.
- **Keep *Personal Data* safe and secure:** Only those with a genuine reason for doing so may gain access to the information. Sensitive Personal Data is securely stored under lock and key in the case of manual records and protected with firewall software and password protection in the case of electronically stored data. Portable devices storing personal data (such as laptops and USB memory sticks) should be encrypted and password protected before they are removed from the school premises. Confidential information will be stored securely and in relevant circumstances, it will be placed in a separate file which can easily be removed if access to general records is granted to anyone not entitled to see the confidential data.
- **Keep Personal Data accurate, complete and up-to-date:** Students, parents/guardians, and/or staff should inform the school of any change which the school should make to their personal data and/or sensitive personal data to ensure that the individual's data is accurate, complete and up-to-date. Once informed, the school will make all necessary changes to the relevant records. The principal may delegate such updates/amendments to another member of staff. However, records must not be altered or destroyed without proper authorisation. If alteration/correction is required, then a note of

the fact of such authorisation and the alteration(s) to be made to any original record/documentation should be dated and signed by the person making that change.

- **Ensure that it is adequate, relevant and not excessive:** Only the necessary amount of information required to provide an adequate service will be gathered and stored.
- **Retain it no longer than is necessary for the specified purpose or purposes for which it was given:** As a general rule, the information will be kept for the duration of the individual's time in the school. Thereafter, the school will comply with DES guidelines on the storage of Personal Data and Sensitive Personal Data relating to a student. Duplicates of pupils' records (e.g. class files) will be destroyed. In the case of members of staff, the school will comply with both DES guidelines and the requirements of the Revenue Commissioners with regard to the retention of records relating to employees. The school may also retain the data relating to an individual for a longer length of time for the purposes of complying with relevant provisions of law and/or defending a claim under employment legislation and/or contract and/or civil law.
- **Provide a copy of their *personal data* to any individual, on request:** Individuals have a right to know what personal data/sensitive personal data is held about them, by whom, and the purpose for which it is held.

PURPOSE OF THE POLICY

The Data Protection Acts 1988 and 2003 apply to the keeping and processing of *Personal Data*, both in manual and electronic form. The purpose of this policy is to assist the school to meet its statutory obligations, to explain those obligations to School staff, and to inform staff, students and their parents/guardians how their data will be treated.

The policy applies to all school staff, the board of management, parents/guardians, students and others (including prospective or potential students and their parents/guardians, and applicants for staff positions within the school) insofar as the school handles or processes their *Personal Data* in the course of their dealings with the school.

DEFINITION OF DATA PROTECTION TERMS

In order to properly understand the school's obligations, there are some key terms which should be understood by all relevant school staff:

Data means information in a form that can be processed. It includes both *automated data* (e.g. electronic data) and *manual data*. *Automated data* means any information on computer, or information recorded with the intention that it be *processed* by computer. *Manual data* means information that is kept/recorded as part of a *relevant filing system* or with the intention that it form part of a relevant filing system.

Relevant filing system means any set of information that, while not computerised, is structured by reference to individuals or by reference to criteria relating to individuals, so that specific information relating to a particular individual is readily, quickly and easily accessible.

Personal Data means data relating to a living individual who is or can be identified either from the data or from the data in conjunction with other information that is in, or is likely to come into, the possession of the Data Controller i.e. the school.

Sensitive Personal Data refers to *Personal Data* regarding a person's

- racial or ethnic origin, political opinions or religious or philosophical beliefs
- membership of a trade union
- physical or mental health or condition or sexual life
- commission or alleged commission of any offence or
- any proceedings for an offence committed or alleged to have been committed by the person, the disposal of such proceedings or the sentence of any court in such proceedings, criminal convictions or the alleged commission of an offence.

Data Controller for the purpose of this policy is the Board of Management, and is represented by the Chairperson, Board of Management, St. Michael's House Special National School, Ballymun.

RATIONALE

In addition to its legal obligations under the broad remit of educational legislation, the school has a legal responsibility to comply with the Data Protection Acts, 1988 and 2003.

This policy explains what sort of data is collected, why it is collected, for how long it will be stored and with whom it will be shared. As more and more data is generated electronically and as technological advances enable the easy distribution and retention of this data, the challenge of meeting the school's legal responsibilities has increased.

The school takes its responsibilities under data protection law very seriously and wishes to put in place safe practices to safeguard individual's personal data. It is also recognised that recording factual information accurately and storing it safely facilitates an evaluation of the information, enabling the principal and board of management to make decisions in respect of the efficient running of the School. The efficient handling of data is also essential to ensure that there is consistency and continuity where there are changes of personnel within the school and board of management.

OTHER LEGAL OBLIGATIONS

Implementation of this policy takes into account the school's other legal obligations and responsibilities. Some of these are directly relevant to data protection. **For example:**

- Section 9(g) of the Education Act, 1998, states that the parents of a student, or a student who has reached the age of 18 years, must be given access to records kept by the school relating to the progress of the student in their education;
- Section 20 of the Education (Welfare) Act, 2000, states that the school must maintain a register of all students attending the School;
- Section 20(5) of the Education (Welfare) Act, 2000, states that a principal is obliged to notify certain information relating to the child's attendance in school and other matters relating to the child's educational progress to the principal of another school to which a student is transferring;
- Section 21 of the Education (Welfare) Act, 2000, states that the school must record the attendance or non-attendance of students registered at the school on each school day;
- Section 28 of the Education (Welfare) Act, 2000, states that the School may supply *Personal Data* kept by it to certain prescribed bodies (the Department of Education, the National Education Welfare Board, the National Council for Special Education, other schools, other centres of education) provided the School is satisfied that it will be used for a "relevant purpose" (which includes recording a person's educational or training history or monitoring their educational or

training progress in order to ascertain how best they may be assisted in availing of educational or training opportunities or in developing their educational potential; or for carrying out research into examinations, participation in education and the general effectiveness of education or training);

- Section 14 of the Education for Persons with Special Educational Needs Act, 2004, states that the school is required to furnish to the National Council for Special Education (and its employees, which would include Special Educational Needs Organisers (“SENOS”)) such information as the Council may from time to time reasonably request
- The Freedom of Information Act 1997 provides a qualified right to access to information held by public bodies which does not necessarily have to be “personal data” as with data protection legislation. While schools are not currently subject to freedom of information legislation, if a school has furnished information to a body covered by the Freedom of Information Act (such as the Department of Education and Skills, etc.) these records could be disclosed if a request is made to that body
- Section 26(4) of the Health Act, 1947 states that a School shall cause all reasonable facilities (including facilities for obtaining names and addresses of pupils attending the school) to be given to a health authority who has served a notice on it of medical inspection, e.g. a dental inspection
- Under *Children First: National Guidance for the Protection and Welfare of Children* (2011) published by the Department of Children & Youth Affairs, schools, their boards of management and their staff have responsibilities to report child abuse or neglect to TUSLA - Child and Family Agency (or in the event of an emergency and the unavailability of TUSLA, to An Garda Síochána).

RELATIONSHIP TO CHARACTERISTIC SPIRIT OF THE SCHOOL

St. Michael's House Special National School, Ballymun, under the patronage of St. Michael's House (Service Providers for Children with an Intellectual Disability) seeks to

- enable each student to develop their full potential
- provide a safe and secure environment for learning
- promote respect for the diversity of values, beliefs, traditions, languages and ways of life in society.

We aim to achieve these goals while respecting the privacy and data protection rights of students, staff, parents/guardians and others who interact with us. The school wishes to achieve these aims/missions while fully respecting individuals' rights to privacy and rights under the Data Protection Acts.

PERSONAL DATA

The *Personal Data* records held by the school **may** include:

A. Staff records:

- (a) **Categories of staff data:** As well as existing members of staff (and former members of staff), these records may also relate to applicants applying for positions within the school, trainee teachers and teachers under probation. These staff records may include:
- Name, address and contact details, PPS number
 - Original records of application and appointment to promotion posts

- Details of approved absences (career breaks, parental leave, study leave etc.)
- Details of work record (qualifications, classes taught, subjects etc.)
- Details of any accidents/injuries sustained on school property or in connection with the staff member carrying out their school duties
- Records of any reports the school (or its employees) have made in respect of the staff member to State departments and/or other agencies under mandatory reporting legislation and/or child-safeguarding guidelines (subject to the DES Child Protection Procedures).

(b) **Purposes:** Staff records are kept for the purposes of:

- the management and administration of school business (now and in the future)
- to facilitate the payment of staff, and calculate other benefits/ entitlements (including reckonable service for the purpose of calculation of pension payments, entitlements and/or redundancy payments where relevant)
- to facilitate pension payments in the future
- human resources management
- recording promotions made (documentation relating to promotions applied for) and changes in responsibilities etc.
- to enable the school to comply with its obligations as an employer including the preservation of a safe, efficient working and teaching environment (including complying with its responsibilities under the Safety, Health and Welfare At Work Act. 2005)
- to enable the school to comply with requirements set down by the Department of Education, the Revenue Commissioners, the National Council for Special Education, TUSLA, the HSE, and any other governmental, statutory and/or regulatory departments and/or agencies
- and for compliance with legislation relevant to the school.

(c) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

(d) **Security:** The records of staff members current and former are kept in manual and digital format in personal files and in digital format as on OnLine Claims System (OLCS) provided by Department of Education.

(e) Manual files are retained in the Principal's Office. The Principal and Chairperson (as Data Controller) only will have access to those files that will contain information solely related to professional matters.

(f) Digital files are retained on the Principal's computer and are protected by password known only to the Chairperson (as Data Controller) and Principal. These records will be retained in the school.

B. Student records:

(a) **Categories of student data:** These **may** include:

- Information which may be sought and recorded at enrolment and may be collated and compiled during the course of the student's time in the school. These records may include:
 - name, address and contact details, PPS number
 - date and place of birth
 - names and addresses of parents/guardians and their contact details (including any special arrangements with regard to guardianship, custody or access)
 - religious belief
 - racial or ethnic origin
 - membership of the Traveller community, where relevant
 - whether they (or their parents) are medical card holders

- whether English is the student's first language and/or whether the student requires English language support
- any relevant special conditions (e.g. special educational needs, health issues etc.) which may apply
- Information on previous academic record (including reports, references, assessments and other records from any previous school(s) attended by the student
- Psychological, psychiatric and/or medical assessments
- Attendance records
- Photographs and recorded images of students (including at school events and noting achievements). See the template "Guidance on Taking and Using Images of Children in Schools"
- Academic record – assessment records, Individual Education Plans, Fortnightly Plans and end of year School reports
- Records of significant achievements
- Records of disciplinary issues/investigations and/or sanctions imposed
- Other records e.g. records of any serious injuries/accidents/ incidents related to behavioural issues etc. (Note: it is advisable to inform parents that a particular incident is being recorded).
- Records of any reports the school (or its employees) have made in respect of the student to State departments and/or other agencies under mandatory reporting legislation and/or child safeguarding guidelines (subject to the DES Child Protection Procedures).

(b) **Purposes:** The purposes for keeping student records are:

- to enable each student to develop to their full potential
- to comply with legislative or administrative requirements
- to ensure that eligible students can benefit from the relevant additional teaching/ SNA or financial supports
- to support comprehensive assessment
- to enable parents/guardians to be contacted in the case of emergency or in the case of school closure, or to inform parents of their child's educational progress or to inform parents of school events etc.
- to meet the educational, social, physical and emotional requirements of the student
- photographs and recorded images of students are taken to celebrate school achievements, compile yearbooks, establish a school website, record school events, and to keep a record of the history of the school. Such records are taken and used in accordance with the school's "Guidance for Taking and Using Images of Pupils in Schools" (see template)
- to ensure that the student meets the school's admission criteria
- to furnish documentation/ information about the student to the Department of Education, the National Council for Special Education, TUSLA, and other Schools etc. in compliance with law and directions issued by government departments
- to furnish, when requested by the student (or their parents/guardians in the case of a student under 18 years) documentation/information/ references to adult services

(c) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Day to day records of Pupil's progress, reports and guidelines are kept in a closed unit in the classroom.

(d) **Security:** Manual records are kept in a pupils' personal file within a relevant filing system. More sensitive records are stored in a locked filing cabinet in the School office. Some personal information is also kept on a secure database that is password protected.

(e) **Digital records:** Student attendance records and PPS numbers are maintained on the POD system in line with DES Guidelines. Access will be by permission of the Principal or (when absent)

Deputy Principal, to authorised personnel only. Attendance records are also kept on the school's secure database (Aladdin) and this is password protected.

Employees are required to maintain the confidentiality of any data to which they have access.

C. Board of Management records:

- (a) **Categories of Board of Management data:** These may include:
- Name, address and contact details of each member of the board of management (including former members of the board of management)
 - Records in relation to appointments to the Board
 - Minutes of Board of Management meetings and correspondence to the Board which may include references to particular individuals.
- (b) **Purposes:** To enable the Board of Management to operate in accordance with the Education Act 1998 and other applicable legislation and to maintain a record of board appointments and decisions.
- (c) **Location:** In a secure, locked filing cabinet and that only personnel who are authorised to use the data can access it. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** Manual records are kept in a Board of Management file within a relevant filing system. They are stored in a locked filing cabinet in the Principal's office.

Employees are required to maintain the confidentiality of any data to which they have access.

D. Other records:

Records relating to contacts with others such as patron bodies /insurance companies/ legal advice/ buildings and lands etc. will be securely maintained in the manner appropriate to its origins e.g. paper correspondence or email as appropriate.

The school will hold other records relating to individuals. The format in which these records will be kept are manual record (personal file within a relevant filing system), and/or computer record (database).

Creditors

- (a) **Categories of data:** the school may hold some or all of the following information about creditors (some of whom are self-employed individuals):
- name
 - address
 - contact details
 - PPS number
 - tax details
 - bank details and
 - amount paid.
- (b) **Purposes:** This information is required for routine management and administration of the school's financial affairs, including the payment of invoices, the compiling of annual financial accounts and complying with audits and investigations by the Revenue Commissioners.
- (c) **Location:** In a secure, filing system that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.

- (d) **Security:** These records are kept as manual records (personal file within a *relevant filing system*) and may also be kept as a computer record (database) on the Principal's computer that is password protected.

Charity tax-back forms

- (a) **Categories of data:** the school may hold the following data in relation to donors who have made charitable donations to the school:
- name
 - address
 - telephone number
 - PPS number
 - tax rate
 - signature and
 - the gross amount of the donation.
- (b) **Purposes:** Schools are entitled to avail of the scheme of tax relief for donations of money they receive. To claim the relief, the donor must complete a certificate (CHY2) and forward it to the school to allow it to claim the grossed up amount of tax associated with the donation. The information requested on the appropriate certificate is the parents name, address, PPS number, tax rate, telephone number, signature and the gross amount of the donation. This is retained by the School in the case of audit by the Revenue Commissioners.
- (c) **Location:** In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** These records are kept as manual records (personal file within a *relevant filing system*) and may also be kept as a computer record (database) on the Principal's computer that is password protected.

CCTV images/recordings

- (a) **Categories:** CCTV is installed in this school, externally i.e. perimeter walls/fencing, car park and playground. This CCTV system may record images of staff, students and members of the public who visit the premises.
- (b) **Purposes:** Safety and security of staff, students and visitors and to safeguard school property and equipment.
- (c) **Location:** Cameras are located externally as detailed above. Recording equipment is located at the main reception desk of St. Michael's House (SMH) Head office and the SMH "Comms" room.
- (d) **Security:** Access to images/recordings is restricted to the Chairperson and the Principal. Tapes, DVDs, hard disk recordings are retained for 28 days, except if required for the investigation of an incident. Images/recordings may be viewed or made available to An Garda Síochána pursuant to section 8 Data Protection Acts 1988 and 2003.

Volunteers/Students

- (a) **Categories:** Volunteers, Student Teachers, SNAs and Transition Year Students for work experience with personal details e.g. name, address, PPSN, references.

- (b) **Purposes:** Work Experience and volunteering within this school (e.g. swimming, gardening)
- (c) **Location:** Manual files are kept for students for the current school year only. Manual files for volunteers are kept for the duration of the period spent volunteering in the school and for one year after completion. In a secure, locked filing cabinet that only personnel who are authorised to use the data can access. Employees are required to maintain the confidentiality of any data to which they have access.
- (d) **Security:** These records are kept as manual records (personal file within a *relevant filing system*) and may also be kept as a computer record (database) on the secretary's and/or Principal's computer that is password protected. All sensitive personal information will be kept on the Principal's computer only.

LINKS TO OTHER POLICIES AND TO CURRICULUM DELIVERY

Our school policies need to be consistent with one another, within the framework of the overall School Plan. Relevant school policies already in place or being developed or reviewed, shall be examined with reference to the data protection policy and any implications, which it has for them, shall be addressed.

The following policies may be among those considered:

- Child Protection Policy
- Anti-Bullying Policy
- Code of Behaviour
- **Positive Behaviour Support – Restrictive Practices Policy**
- Mobile Phone Policy
- Admissions/Enrolment Policy
- CCTV Policy
- Substance Use Policy
- ICT Acceptable Usage Policy
- Intimate Care Policy
- **Safe Administration of Medication (SAM) Policy**

PROCESSING IN LINE WITH DATA SUBJECT'S RIGHTS

Data in this school will be processed in line with the data subjects' rights.

Data subjects have a right to:

- (a) Request access to any data held about them by a data controller
- (b) Prevent the processing of their data for direct-marketing purposes
- (c) Ask to have inaccurate data amended
- (d) Prevent processing that is likely to cause damage or distress to themselves or anyone else.

DEALING WITH A DATA ACCESS REQUEST

Section 3 access request:

Under Section 3 of the Data Protection Acts, an individual has the right to be informed whether the school holds data/information about them and to be given a description of the data together with details of the purposes for which their data is being kept. The individual must make this request in writing and the data controller will accede to the request within 21 days.

The right under Section 3 must be distinguished from the much broader right contained in Section 4, where individuals are entitled to a copy of their data.

Section 4 access request:

Individuals are entitled to a copy of their personal data on written request.

- The individual is entitled to a copy of their personal data (subject to some exemptions and prohibitions set down in Section 5 of the Data Protection Act)
- Request must be responded to within 40 days
- Fee may apply but cannot exceed €6.35
- Where a subsequent or similar request is made soon after a request has just been dealt with, it is at the discretion of the school as data controller to comply with the second request (no time limit but reasonable interval from the date of compliance with the last access request.) This will be determined on a case-by-case basis.
- No personal data can be supplied relating to another individual unless that third party has consented to the disclosure of their data to the applicant. Data will be carefully redacted to omit references to any other individual and only where it has not been possible to redact the data to ensure that the third party is not identifiable would the school refuse to furnish the data to the applicant.

PROVIDING INFORMATION OVER THE PHONE

In our school, any employee dealing with telephone enquiries should be careful about disclosing any personal information held by the school over the phone. In particular the employee should:

- Check the identity of the caller to ensure that information is only given to a person who is entitled to that information
- Suggest that the caller put their request in writing if the employee is not sure about the identity of the caller and in circumstances where the identity of the caller cannot be verified
- Refer the request to the Principal or Chairperson for assistance in difficult situations. No employee should feel forced into disclosing personal information.

IMPLEMENTATION ARRANGEMENTS, ROLES AND RESPONSIBILITIES

In our school the Board of Management is the data controller and the Principal will be assigned the role of co-ordinating implementation of this Data Protection Policy and for ensuring that staff who handle or have access to *Personal Data* are familiar with their data protection responsibilities.

The following personnel have responsibility for implementing the Data Protection Policy:

Name	Responsibility
Chairperson of BOM:	Data Controller
Principal:	Implementation of Policy
Teaching personnel:	Awareness of responsibilities
Non-teaching personnel:	Awareness of responsibilities

Administrative personnel: Security, confidentiality

IT personnel: Security, encryption, confidentiality

RATIFICATION AND COMMUNICATION

The Data Protection Policy was ratified by the Board of Management in St Michael's House Special National School, Ballymun, following consultation with school staff. It is now the school's agreed Data Protection Policy. All relevant personnel will be made aware of their responsibilities under the policy. It is important that all concerned are made aware of any changes implied in recording information on students, staff and others in the school community.

Parents/guardians and students should be informed of the Data Protection Policy from the time of enrolment of the student by including the Data Protection Policy as part of the Enrolment Pack and on request from the School Office.

MONITORING THE IMPLEMENTATION OF THE POLICY

At least one annual report should be issued to the Board of Management to confirm that the actions/measures set down under the policy are being implemented.

Review:

A focus-group of staff & parents were invited to participate in the draft-policy review process in 2019. Whole staff group was invited to review in 2021. Following ratification by the Board of Management on the date noted below, the updated Policy will be confirmed to the school community.

Review: Every three years, or earlier, if required.

Next Review Date: June 2024

Signed: _____ Date: ____ June 2021

Chairperson, Board of Management